

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

JUL 01 2021

KENNETH TAYLOR #828757

Plaintiff's Name and ID Number

Nathan Ochsner, Clerk of Court

JESTER III. UNIT / 3 JESTER RD. RICHMOND, TX 77406

Place of Confinement

CASE NO.

(Clerk will assign the number)

v.

BRYAN COLLIER, P.O.BOX 99/ HUNTSVILLE, TX 77342

Defendant's Name and Address

KIM MASSEY, P.O. BOX 99/ HUNTSVILLE, TX 77342

Defendant's Name and Address

MARIICIA JACKSON

Defendant's Name and Address

(DO NOT USE "ET AL.")

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INSTRUCTIONS - READ CAREFULLY

NOTICE:

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and once copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 8, Federal Rules of Civil Procedure Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and once copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND *IN FORMA PAUPERIS* (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this even you must complete the application to proceed *in forma pauperis*, setting forth information to establish you inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of you inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at you prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from you inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send you complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment?  YES  NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 07/16/2020 / ? 2019

2. Parties to previous lawsuit:

Plaintiff(s) KENNETH TAYLOR / RAYMOND L. CAVITT et al

Defendant(s) BRYAN COLLIER / LORI DAVIS

3. Court: (If federal, name the district; if state, name the county.) U.S. DISTRICT:SOUTHERN:HOUSTON

4. Cause number: 4:20-cv-02527 / 4:19-cv-2881

5. Name of judge to whom case was assigned: ANDREW S. HANER / LYNN H. HUGHES

6. Disposition: (Was the case dismissed, appealed, still pending?) DISMISSED WITHOUT PREJUDICE

7. Approximate date of disposition: NOV. 16, 2020 / JUNE 08, 2020

II. PLACE OF PRESENT CONFINEMENT: JESTER III. UNIT # 3 JESTER RD., RICHMOND, TX 77406

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?  YES  NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: KENNETH TAYLOR #828757; JESTER III. UNIT: 3 JESTER ROAD, RICHMOND, TX 77406

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: BRYAN COLLIER: EXECUTIVE DIRECTOR OF TDCJ: P.O.BOX 99, HUNTSVILLE, TEXAS 77342

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
I'm a disabled person as defined by ADA, ADAAA, and RA. This Defendant upon written request has refused to accommodate the Plaintiff in Air-Conditioned housing, and named him, by increased risk of Stroke and or death.

Defendant #2: KIM MASSEY: Director State Classification TDCJ; P.O. BOX 99 HUNTSVILLE, TEXAS 77342

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.  
Plaintiff has made request to this defendant for accommodations; due to his medical disability needs, but defendant refuses to make needed accommodations and increasing him to risk a chance of stroke or death.

Defendant #3: KENNETH M. PUTNUM, Jr; head Warden Jester III. Unit, TDCJ; 3 JESTER ROAD, RICHMOND, TEXAS 77406

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.  
This Defendant has complete control of the Jester III. Unit, but has failed to accommodate the Plaintiffs needs and has endangered his health & safety.

Defendant #4: TEXAS DEPARTMENT OF CRIMINAL JUSTICE: P.O. BOX 99 / HUNTSVILLE, TEXAS 77342

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
TDCJ has long known the needs of those of us with heat related medical conditions/ disabilities endangering and increasing our risk to Seizure, stroke and death.

Defendant #5: MARCI JACKSON: Director of Region III TDCJ; 400 Darrington Road, Rosharon, Texas 77583

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
This defendant has failed to make the needed accommodation for the Plaintiffs medical condition/disability therefore harming him by increased medical discomfort due to the heat & increasing his chances of Stroke and or death.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOU COMPLAINT.

~~The defendants in this case have violated my rights under A.D.A.; A.D.A.A.A; & R.A. Eighth Amendment; and the 14th Amendment. Each defendant has done so knowingly and intentionally. They here all had knowledge of the Plaintiffs medical condton/ disabilities. Furthermore the defendant stated to the court that all inmates with Plain-medical condition/disabilities (Heat Sensitive) would be in air conditionn housing "BY 2021". SEE: CAVITT ET.AL., v. DAVIS ET AL CIVIL ACTION No. 4:19-cv-02881.~~

~~The Plaintiff was a Plaintiff in that case.~~

~~The Plaintiff will now brake down and show his claim to each and every defendant.~~

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

*Injunctive, declaratory and monetary. The plaintiff wish this KPA; Kenneth E.; Kenneth Edward Taylor Court to order him be place in Air-condition housing and allow a way to avoid Damages in the sume of \$25,000 per defendant per year dating back to June 2014*

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

*Kenneth Taylor; Ken; Kenneth E.; Kenneth Edward Taylor*

B. List all TDCJ-CID identificaiton numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

*828757 Only*

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed?  YES  NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_
2. Case number: \_\_\_\_\_
3. Approximate date sanctions were imposed: \_\_\_\_\_
4. Have the sanctions been lifted or otherwise satisfied?  YES  NO

No.1: Bryan Collier the Executive Director of TDCJ has refused the Plaintiff the needed accommodations of his medical condition/disabilities after; the Plaintiff gave him a complete breakdown of his medical related conditions/disabilities and request for him to accommodate him in Air-conditioned housing. Please see Plaintiffs Memorandum of Law with Exhibits.

No.2: Kim Massey, the Director of State Classification has refused to move the Plaintiff to Air-conditioned housing even though she has full 100% knowledge of his needs. This defendant has tried to justify such action, but they are without merit. See Plaintiff Memorandum of Law and Exhibits

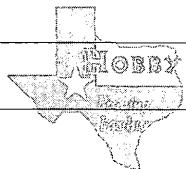
No.3: Maricia Jackson Regional Director, has been contacted by the Plaintiff and given a full medical break down of his medical Condition/disabilities and needs for Air-condition housing as a Heat Sensitive inmate. This defendant has refused to move the Plaintiff in to Air-condition housing knowing his needs for such. Please see Memorandum of Law and Exhibits.

No.4: Kenneth M. Putnum, Jr. is the Head Warden at this time at the Jester III unit. The Plaintiff has given this defendant 100% knowledge of all medical issues/disabilities and past legal Action and Statements to this Court. This information has been related through letters, Grievances and Medical Records. This defendant has refused to ~~ACCOMMODATE~~ <sup>Hobby</sup> Plaintiff medical/Disability needs with full knowledge of

of his needs. Furthermore defendant refuse to even try to make any attempt to resolve this issue. see Memorandum

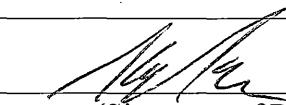
No. 5, The Texas Department of Criminal Justice is a Texas Governmental entity for which Defendant 1 Bryan Collier is the Executive Director and has full control. The rest of the defendants are employees of this entity. The plaintiff brings this suit in their, official, ~~INDIVIDUAL~~ and personal capacities.

The plaintiff has tried everything with in his power to resolve this issue, but the defendants out right refuse to accommodate and have inflicted pain and harm on him. please see Memorandum of Law and exhibits.



- C. Has any court ever warned or notified you that sanctions could be imposed? YES  NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_
  2. Case number: \_\_\_\_\_
  3. Approximate date warning was issued: \_\_\_\_\_

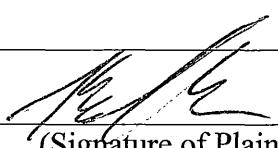
Executed on: 6/28/21  
DATE

  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments hereto are true and correct/
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 28<sup>th</sup> day of June, 20 21.  
(Day) (month) (year)

  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**

June 30, 2021

Kenneth Taylor, 828757  
Jester III unit  
3-Jester Rd.  
Richmond, Texas  
77466

United States District Clerk

P.O. Box 61010

Houston, Texas  
77208

United States Courts  
Southern District of Texas  
FILED

JUL 01 2021

RE: New Filing in Your Court

Nathan Ochsner, Clerk of Court

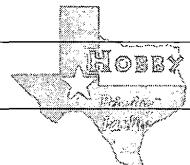
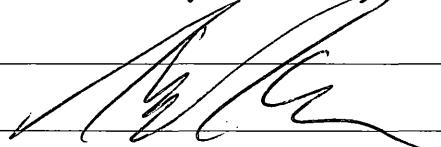
Dear Clerk,

Enclosed is Complaint, Application to proceed in forma  
pauperis and Memorandum of Law with Exhibits as  
evidence.

I have supplied a extra copy of the complaint,  
and memorandum to be file date stamped and returned to  
me in the enclosed Postage paid envelope.

Please take special note to application to proceed in  
forma pauperis I have add Pages to this motion as  
a special request to the Honorable Judge.

Respectfully



or, #828757  
d  
Texas  
17466

United States Courts  
Southern District of Texas  
FILED

JUL 01 2021

Nathan Ochsner, Clerk of Court



United States District  
At: Office of the Clerk  
P.O. Box 61010  
Houston, Texas

77208